

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-3, 5 and 6 are currently being prosecuted. The Examiner is respectfully requested to reconsider her rejections in view of the remarks as set forth below.

Allowable Subject Matter

It is gratefully acknowledged that the Examiner considers the subject matter of claims 5 and 6 as being allowable if rewritten in independent form. However, Applicant points out that claim 6 is an independent claim and, accordingly, should be indicated as being allowable, rather than allowable if rewritten in independent form. Claim 5 is not yet being rewritten in independent form as Applicant feels that claim 1, from which it depends, is allowable.

Priority

The Examiner requested the current status of the parent application on page 1 of the specification. Applicant has now added this statement since the application has now issued as U.S. Patent 6,686,010.

Rejection under 35 U.S.C. § 103

Claims 1-3 stand rejected under 35 U.S.C. § 103 as being obvious over Bourdelais et al. (U.S. Patent No. 5,874,205) in view of Lucier (CA 2,100,505). This rejection is respectfully traversed.

The Examiner refers to the previous Office Action, which states that Bourdelais et al. teach composites including a polymer sheet affixed to a support layer wherein the polymer sheet may be an oriented polyolefin sheet. The support layer may be a woven polymer layer with a layer of photographing material on its other side. The Examiner admits that Bourdelais et al. fail to teach the elements in the shape of bags or that polyolefin is waterproof.

The Examiner relies on Lucier to teach bags having fabric outer layers and waterproof inner layers. Applicant disagrees that claims 1-3 are obvious over this combination of references.

First, claim 1 states that the waterproof film is adhered to an entire inner surface of the base component. Neither of the references show the waterproof layer being adhered to the entire inner surface of the base component. In Lucier, the waterproof bag is only attached at the top. In Bourdelais et al., the possibility of an adhesive is stated, although it does not point out that the layers are adhered on the entire inner surface. It is further noted that the Examiner has not even alleged that either of these

references or their combination teach this feature. Accordingly, Applicant submits that this claim is allowable since the references do not teach the feature and since the Examiner has not pointed out where this feature is found.

The Examiner has argued that Bourdelais et al. suggest the attachment of the three layers to each other. The Examiner also argues that the fact that Lucier only teaches peripheral attachment does not render the combined teachings inapplicable to the instant claims. However, the Examiner has still not stated for either of the references or their combination, how the references teach the adhering of the waterproof film to the entire inner surface of the base component. The peripheral attachment of Lucier may not render the combined teachings inapplicable to the claims, as suggested by the Examiner, but it also does not teach the adherence of the entire inner surface. Accordingly, Applicant submits that the Examiner's argument does not reach the true problem, namely, that the references do not show attachment over the entire inner surface.

Furthermore, Applicant submits that the Examiner has not met his burden of providing motivational statements. The Examiner has stated that the previous Action provides these statements. However, the only statement in the previous Action is that the references are analogous because they both deal with plastic/fabric

composites and that one skilled in the art could employ the waterproof inner layer of Lucier in the composites of Bourdelais et al. in order to make waterproof articles that do not leak. It is noted that the Examiner has still not provided any motivation as to why one skilled in the art would look to make this combination. While it is true that both may deal with plastic/fabric composites, this does not provide motivation for one to make such a combination. Also, merely the fact that one wishes to make a final product which is a waterproof article, does not provide motivation to combine these two specific references. Accordingly, Applicants continue to submit that motivation has not been provided.

Claims 2 and 3 depend from claim 1 and are also considered to be allowable. Further, these claims cite other features which make these claims additionally allowable.

#### Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejection and allowance of all the claims are respectfully requested.

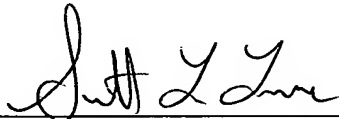
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully

requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  #41,450  
James T. Eller, Jr., #39,538

JTE/RFG/jao:njp  
4726-0103P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000